

0316 '99 DEC 28 AS 163

Application for a Variance for a Laser Light Show

MediaLas Laserproducts GmbH

**Dirk Baur, President
Hechingen, Germany**

November 21, 1999

99V-5526

VAR 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES Public Health Service Food and Drug Administration	APPLICATION FOR A VARIANCE FROM 21 CFR 1040.11(c) FOR A LASER LIGHT SHOW, DISPLAY, OR DEVICE	Form Approved: OMB No. 0910-0025 Expiration Date: October 31, 2000 See Page 4 for OMB Statement. DOCKET NUMBER
NOTE: No laser light show, projection system, or device may vary from compliance with 21 CFR 1040.11(c) in design or use without the approval of this application in accordance with 21 CFR 1010.4.		
INSTRUCTIONS		
1. Check all applicable boxes and type or print the requested information. 2. Submit an original and four (4) copies. 3. Mail your application to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 1061, 5630 Fishers Lane, Rockville, MD 20852. 4. Enter docket number if assigned.		
1. NAME OF COMPANY MEDIALAS LASERPRODUCTS GmbH		
2. ADDRESS OF COMPANY (Include ZIP Code)(If P.O. Box is used, include actual street address also.) NEUE ROTTENBURGER STR. 37, HECHINGEN, GERMANY DE-72379		
3. NAME AND TITLE OF RESPONSIBLE PERSON DIRK BAUR, PRESIDENT		4. TELEPHONE NO. (Include area code) 49-74710-91661
6. THE APPLICANT REQUESTS THE VARIANCE TO BE IN EFFECT FOR A PERIOD OF <u>2</u> YEARS FROM THE DATE OF ISSUE. (In general, the Agency will approve a variance for only two years. If a longer period is requested, a justification must be attached as part of the application.)		5. DATE OF SUBMISSION JULY 15, 1999
7. PRODUCT DESCRIPTION AND USE		
a. LIST NAME AND/OR MODEL NUMBER(S) FOR THE LASER LIGHT SHOW(S) AND PROJECTOR(S) SHOWS: MEDIA LAS SHOW A - STOREFRONT WINDOW; MEDIA LAS SHOW B - TRADESHOW BOOTH; AND MEDIA LAS SHOW C - SIGNAGE/POINT OF PURCHASE. PROJECTOR: CATWEAVE PRO SERIES; MODEL "PRO"		
b. PRODUCT FOR WHICH A VARIANCE IS REQUESTED <input type="checkbox"/> A laser display device <input checked="" type="checkbox"/> A projector for a laser light show <input checked="" type="checkbox"/> A laser light show <input type="checkbox"/> Other (Specify) _____		
c. <input checked="" type="checkbox"/> PROJECTORS ARE INTENDED FOR SALE, LEASE, OR LOAN TO OTHER LASER LIGHT SHOW PRODUCERS		
d. PRODUCT IS INTENDED FOR USE IN A <input checked="" type="checkbox"/> Planetarium or other dome projection structure <input checked="" type="checkbox"/> Theater <input checked="" type="checkbox"/> Hotel/motel ballroom or meeting room <input checked="" type="checkbox"/> Store displays <input checked="" type="checkbox"/> Trade show or convention <input checked="" type="checkbox"/> Discotheque or night club <input checked="" type="checkbox"/> Pavilion <input checked="" type="checkbox"/> Indoor arena <input checked="" type="checkbox"/> Outdoor arena <input checked="" type="checkbox"/> Museum <input checked="" type="checkbox"/> Outdoor unenclosed area <input checked="" type="checkbox"/> Other (Specify) PRIVATE EVENTS, PRIVATE CONTRACTS		
e. PRODUCT IS INTENDED TO BE USED <input checked="" type="checkbox"/> At only one (Fixed) location <input checked="" type="checkbox"/> At a variety of (Tour) locations <input type="checkbox"/> Other (Specify) _____		
i. PRODUCT IS INTENDED TO BE USED AT ANY ONE LOCATION <input checked="" type="checkbox"/> More than 15 days <input checked="" type="checkbox"/> More than 5 but not more than 15 days <input checked="" type="checkbox"/> Less than 5 days		
g. TOUR IS INTENDED TO RUN FOR <input type="checkbox"/> More than 6 months <input type="checkbox"/> 1 - 6 months <input type="checkbox"/> Less than one month <input checked="" type="checkbox"/> Not applicable (Not a tour) <input checked="" type="checkbox"/> Other (Specify) SEE 14, REMARKS		
h. PRODUCT UTILIZES THE FOLLOWING LASER EFFECTS <input checked="" type="checkbox"/> Front screen projections <input checked="" type="checkbox"/> Rear screen projections <input type="checkbox"/> Holographic displays <input checked="" type="checkbox"/> Multiple reflection/diffraction effects <input type="checkbox"/> Audience scanning (Also includes scanning any accessible uncontrolled areas) <input checked="" type="checkbox"/> Reflections from stationary mirrors or mirrored surfaces (Beam Matrices) <input checked="" type="checkbox"/> Stationary irradiation of rotating mirror balls, etc. <input checked="" type="checkbox"/> Scanning irradiation of rotating mirror balls, etc. <input checked="" type="checkbox"/> Fiber optic projections <input checked="" type="checkbox"/> Fog, smoke, or other scattering enhancement effects <input type="checkbox"/> Other (Specify) _____		
8. LASER RADIATION LEVELS		
LASER MEDIUM (Ar, He-Ne, etc.)	WAVE LENGTHS (nm)	PEAK POWER (watts)
RED DIODE	635nm	15mW
GREEN DIODE	532nm	100mW
9. IF ANY LASER RADIATION IS PULSED OR SCANNED, GIVE THE PULSE DURATION AND RATE AND SCANNING FREQUENCY AND AMPLITUDE LIGHT INTENSITY IS CONTROLLED BY DIRECT MODULATION OF THE BEAM, BY SWITCHING THE LASER ON AND OFF AT A MINIMUM TIME OF 100 MICROSECONDS, WITH MODULATION FREQUENCY TO 10 KHz.		
10. REASON FOR REQUESTING VARIANCE <input checked="" type="checkbox"/> Compliance with the limits of 21 CFR 1040.11(c) would restrict the intended use of the product because compliance would limit the output power to the extent that the desired effects would not be sufficiently visible <input type="checkbox"/> Other or additional explanation (Specify) _____		

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11. MANNER IN WHICH IT IS PROPOSED TO DEVIATE FROM THE REQUIREMENTS OF THE APPLICABLE STANDARD

- ☒ It is proposed to deviate from the provisions of 21 CFR 1040.11(c) in that the accessible emission level would exceed the accessible emission limits specified in 21 CFR 1040.11(c).
- ☐ It is proposed to deviate from the provisions of 21 CFR 1040.11(c) as follows:

12. ADVANTAGES TO BE DERIVED FROM SUCH DEVIATION

- ☒ Laser light shows and displays are accepted popular media in entertainment and the arts. Use of power levels in excess of the limits imposed by 21 CFR 1040.11(c) is necessary to achieve the required effects in these media.
- ☐ Other or additional advantages (describe and explain).

13. EXPLAIN THE ALTERNATE MEANS OF RADIATION PROTECTION TO BE PROVIDED. (Check as many boxes as apply. In item 14 "Remarks," justify any boxes not checked, using additional sheets as necessary. State any other means of radiation protection that will be used.)

- a. ☒ All laser products, systems, shows, and projectors will be certified to comply with 21 CFR 1040.10 and the conditions of this variance and will be reported as required by 21 CFR 1002.10 AND 1002.11 using the reporting guides provided for such purpose. These actions will be accomplished prior to any introduction into commerce.
- b. ☒ Effects not specifically indicated in this variance application will not be performed. No other effects will be added until an amendment to the variance has been obtained and the required reports or supplements, as applicable, have been submitted.
- c. ☒ Scanning, projection, or reflection of laser and collateral radiation (Light show radiation) into audience or other accessible uncontrolled areas will not be permitted except for diffuse reflections produced by the atmosphere, added atmospheric scattering media, and target screens.
- d. ☒ Laser radiation levels in excess of the limits of Class I will not be permitted at any point less than 3.0 meters above any surface upon which persons other than operators, performers, or employees are permitted to stand or 2.5 meters below or in lateral separation from any place where such persons are permitted to be. Operators, performers, and employees will not be required or allowed to view radiation above the limits of Class I or be exposed to radiation above the limits specified in 21 CFR 1040.11(c).
- e. ☐ Any product which relies on scanning to meet access, exposure, or product class limits will incorporate a scanning safeguard system which directly senses scanner motion and which will react fast enough to preclude exceeding the applicable limit.
- f. ☒ All laser light shows shall be under the direct and personal control of trained, competent operator(s). The operator(s) will:
- (1) Be an employee of the variance holder who will be responsible for the training and the conduct of the operator;
 - (2) Be located where all beam paths can be directly observed at all times; and
 - (3) Immediately terminate the emission of light show radiation in the event of any unsafe condition; or, for outdoor shows, upon request by any air traffic control officials.
- g. ☒ The maximum laser projector output power will not exceed the level required to obtain the intended effects.
- h. ☒ The projection system (i.e., the projector and all other components used to produce the lighting effects) will be securely mounted or immobilized to prevent unintended movement or misalignment. Beam masking will be provided as an inherent part of the system design to prevent overfilling of screens, beam stops, targets, etc.
- i. ☒ Laser projectors will not be delivered to any other party under an agreement of sale, lease, or loan unless and until the recipient demonstrates that they have a variance in effect at the time of delivery that permits them to produce laser light shows incorporating such projector(s).
- j. ☒ In addition to the requirements of 21 CFR 1040.10(h), the manufacturer of laser projectors/systems will provide to parties who purchase, lease, or borrow the equipment, adequate users' instructions for safe installation and operation which explain the responsibility of the recipient as an independent light show manufacturer to submit the required reports and apply for and obtain a variance from CDRH prior to introduction into commerce of any laser light shows.
- k. ☒ The requirements of 21 CFR 1002.30(a)(1) and (2) will be accomplished through the use of written procedures for setup, alignment, testing, and performance of each show. These procedures will be in sufficient detail to ensure compliance with 21 CFR 1040.10, the conditions of this variance, and the control of access to radiation areas using the procedures described in the ANSI Z136.1 standard for the safe use of lasers (American National Standards Institute, 1430 Broadway, New York, NY 10018) or any other equivalent user consensus standard and, where applicable, state or local requirements. Laser radiation areas which can contain radiation levels above the limits specified in 21 CFR 1040.11(c) will be clearly identified by the posting of warning signs and/or restricting access through physical means (such as pressure switches, photo cells, barriers, guards, etc.). These requirements apply to temporary areas (such as during set up and alignment procedures) and to final or permanent areas. The variance holder will retain the records of these procedures and the results of all tests as required by 21 CFR 1002.31. A copy of the variance application, the approval letter, current procedures, and records relating to each particular show will be with the operator or other responsible individual and will be made available for inspection by FDA and other responsible authorities.

1. ☒ Advance written notification will be made as early as possible to appropriate federal, state, and local authorities providing show itinerary with dates and locations clearly and completely identified, and a basic description of the proposed effects including a statement of the maximum power output intended. Such notifications will be made, but not necessarily be limited, to:
- (1) The Center for Devices and Radiological Health, Office of Compliance (HFZ-342), 2098 Gaither Road, Rockville, MD 20850, providing the initial and closing dates for fixed installations and the itinerary for mobile shows. In addition, unless all aspects of each show have been reported and accession numbers clearly referenced, each notice will include detailed descriptions of each show and a listing of all effects to be performed in sufficient detail to confirm compliance with the regulations and this variance.
 - (2) The Federal Aviation Administration (FAA) for any projections into open airspace at any time (i.e., including set up, alignment, rehearsals, performances, etc.). If the FAA objects to any laser effects, the objections will be resolved and any conditions requested by FAA will be adhered to. If these conditions cannot be met, the objectionable effects will be deleted from the show.
 - (3) State and local radiation control offices/agencies for all shows to be performed within their jurisdictions. All requirements of state and local law will be satisfied and any objections raised by local authorities will be resolved or the effects deleted. (A list of federal and state offices is available from the Center for Devices and Radiological Health upon request.)

14. REMARKS

AT THIS TIME, NO CONTRACTS HAVE BEEN SECURED FOR LASER DISPLAY. IT IS OUR INTENTION TO PRODUCE SHOWS WHICH RUN THE RANGE OF ONLY ONCE FOR A FEW MINUTES AT ONE LOCATION, TO LONGER SHOWS REPEATING AT ONE LOCATION FOR LONGER PERIODS OF TIME, AS YET UNDETERMINED.

MEDIALAS LASERPRODUCTS GmbH will NOTIFY THE CDRH WITH INITIAL SHOW REPORTING FORMS FOR REVIEW AND ACCEPTANCE AS CONTRACTS ARE SECURED, AND PRIOR TO SHOW SETUP AND PERFORMANCE.

CERTIFICATION

I CERTIFY that all of the above information and statements are true, complete, and correct to the best of my knowledge and acknowledge that my variance application may be denied or my variance may be revoked if this application is found to be false, misleading or incorrect in any material way. I have submitted and will submit all reports required by 21 CFR 1002.10 and 1002.11 on the laser equipment and show(s). I further understand that I may be required by regulation or by the Director, Center for Devices and Radiological Health, to supply such other information as may be necessary to evaluate and act on this application.

15. SIGNATURE



16. NAME (Type or Print)

DIRK BAUR

17. TITLE

PRESIDENT

FORM FDA 3147 (7/98)

FedEx USA AirbillFedEx
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Form
I.D. No.

0200

Recipient's Copy

1 From
Date 12-23-99
Sender's Name MEDIALAS LASER PRODUCTS Phone (415) 681-5729
Company 40 FULL SPECTRUM LASERS
Address 2438 TARAVAL
City SAN FRANCISCO State CA ZIP 94116 Dept/Floor/Suite/Room

2 Your Internal Billing Reference Information

3 To
Recipient's Name DOCKETS MGMT BRANCH (HFA-305) Phone (415) 681-5729
Company FOOD & DRUG ADMIN
Address ROOM 1061, 5630 FISHERS LANE
(To "HOLD" at FedEx location, print FedEx address here)
City ROCKVILLE State MD ZIP 20852 Dept/Floor/Suite/Room

For HOLD at FedEx Location check here☐ Hold Weekday (Not available with FedEx First Overnight)
☐ Hold Saturday (Not available at all locations)
(Available for FedEx Priority Overnight and FedEx 2Day only)**For WEEKEND Delivery check here:**☐ Saturday Delivery (Available for FedEx Priority Overnight and FedEx 2Day only)
☐ NEW Sunday Delivery (Available for FedEx Priority Overnight only)☐ Check here
if residence
(Extra charge applies
for FedEx Express Saver)

4a Express Package Service Packages under 150 lbs. Delivery commitment may be later in some areas.
☐ FedEx Priority Overnight (Next business morning)
☐ FedEx Standard Overnight (Next business afternoon)
☐ FedEx First Overnight (Earliest next business morning delivery to select locations) (Higher rates apply)
☐ FedEx 2Day (Second business day)
☒ FedEx Express Saver (Third business day)
FedEx Letter Rate not available. Minimum charge One pound rate.

4b Express Freight Service Packages over 150 lbs. Delivery commitment may be later in some areas.
☐ FedEx Overnight Freight (Next business day)
☐ FedEx 2Day Freight (Second business day)
☐ FedEx Express Saver Freight (Up to 3 business days)
(Call for delivery schedule. See back for detailed descriptions of freight services.)

5 Packaging
☐ FedEx Letter
☐ FedEx Pak
☒ FedEx Box
☐ FedEx Tube
☐ Other Pkg.
(Declared value limit \$500)

6 Special Handling (One box must be checked)
Does this shipment contain dangerous goods? ☒ No ☐ Yes (Shipper's Declaration)
☐ Dry Ice ☐ Dry Ice, 9, UN 1845 ☐ Cargo Aircraft Only
(Dangerous Goods cannot be shipped in FedEx packaging)

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Bill to: ☐ Sender (Account No. in Section 1 will be billed)
☐ Recipient (Enter FedEx Account No. or Credit Card No. below)
☐ Third Party
☒ Credit Card
☐ Cash/Check
Obtain Recipient's FedEx Account No.

Total Packages 1 Total Weight 8.16 Total Declared Value 100.00 Total Charges \$
*When declaring a value higher than \$100 per shipment, you pay an additional charge. See SERVICE CONDITIONS, DECLARED VALUE, AND LIMIT OF LIABILITY section for further information.

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Your signature authorizes Federal Express to deliver this shipment without obtaining a signature and agrees to indemnify and hold harmless Federal Express from any resulting claims.

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